

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JANE DOE 1 et al.,

Plaintiffs,

-against-

GOVERNMENT OF THE UNITED
STATES VIRGIN ISLANDS, et al.,

Defendants.

23-cv-10301 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

Defendants have moved to dismiss Plaintiffs’ first amended complaint, including based on lack of jurisdiction, improper venue, and for failure to state a claim. Dkts. 31, 67, 72, 77. Plaintiffs now move for leave to file a second amended complaint (SAC). Dkt. 94. While the Court takes no position on the viability of the SAC, the proposed amendment appears to at least attempt to respond to many of the arguments raised in Defendants’ motions. Granting Plaintiffs leave to amend at this juncture will prevent duplicative motion practice and allow the Court to properly evaluate the viability of Plaintiffs’ allegations. This is all consistent with Fed. R. Civ. P. 15(a)(2)’s instruction to “freely give leave [to amend] when justice so requires.” Plaintiffs’ motion is therefore GRANTED to the extent that Plaintiffs seek to file the proposed SAC. Plaintiffs also request to take jurisdictional discovery “[i]n the event that the Court finds Plaintiffs’ allegations in the SAC concerning jurisdiction and/or discovery lacking[.]” Dkt. 94-1 at 7. This request is DENIED as premature. Plaintiffs may renew any request for discovery in opposition to Defendants’ motion to dismiss.

The parties should comply with the following deadlines:

- Plaintiffs should file the SAC on the docket no later than **May 10, 2024**.

- Defendants should file motions to dismiss no later than **June 3, 2024**. Each memorandum of law should conform to the page limits in the Court's practices, absent approval from the Court, which will not be granted absent good cause.
- Plaintiffs should file a single opposition no later than **June 24, 2024**. The single opposition brief is limited to the pages utilized by the Defendants as a whole.
- Defendants should file replies no later than **July 8, 2024**. Again, each reply should conform to the page limits in the Court's rules, absent approval from the Court.
- The parties are reminded that well-edited briefs that are short and to the point are more effective than oversized submissions that could have been more concise with better editing. The parties should take this into account in their briefing and any requests for excess pages.
- The hearing scheduled for June 21, 2024, is rescheduled to **July 31, 2024 at 1PM**.

The Clerk of Court is directed to terminate the motions at Dkts. 31, 67, 72, 77.

SO ORDERED.

Dated: May 9, 2024
New York, New York



ARUN SUBRAMANIAN
United States District Judge